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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194706
Party	Defendant UVCleaning Systems, Inc. dba Puralytics Corporation
Correspondence Address	DAVID P PETERSEN KLARQUIST SPARKMAN LLP 121 SW SALMON ST STE 1600 PORTLAND, OR 97204-2927 UNITED STATES ptotmdocket@klarquist.com, salumeh.loesch@klarquist.com
Submission	Testimony For Defendant
Filer's Name	Salumeh R. Loesch
Filer's e-mail	ptotmdocket@klarquist.com, salumeh.loesch@klarquist.com
Signature	/Salumeh R. Loesch/
Date	04/05/2013
Attachments	HEIDI VAN BAALEN 1-7-13 DEPOSITION.pdf ( 52 pages )(3592686 bytes )

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1047406 Ontario Ltd. and	)	
Purifics ES, INC.,	)	
	)	
Opposers,	)	
	)	Opposition No. 91194706
v.	)	
	)	
UVCleaning Systems, Inc., dba Puralytics	)	
Corporation,	)	
	)	
Applicant.	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 5, 2013, a true and complete copy of the attached DEPOSITION OF HEIDI VAN BAALEN taken on January 7, 2013, and attached Exhibit 127, have been forwarded to Opposer's counsel, via first class mail, to:

Ryan Hales  
[ryan.hales@bakermckenzie.com](mailto:ryan.hales@bakermckenzie.com)  
Myall Hawkins  
[myall.hawkins@bakermckenzie.com](mailto:myall.hawkins@bakermckenzie.com)  
Lisa Meyerhoff  
[lisa.meyerhoff@bakermckenzie.com](mailto:lisa.meyerhoff@bakermckenzie.com)  
Tan Pham  
[tan.pham@bakermckenzie.com](mailto:tan.pham@bakermckenzie.com)  
Baker & McKenzie LLP  
Pennzoil Place, South Tower  
711 Louisiana, Suite 3400  
Houston, Texas 77002

  
\_\_\_\_\_  
Salumeh R. Loesch

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
1047406 ONTARIO LTD. and PURIFICS ES, INC.,  
Opposers,  
vs. Case No. 91194706  
UVCLEANING SYSTEMS, INC., d/b/a PURALYTICS  
CORPORATION,  
Applicant.

---

DEPOSITION OF HEIDI VAN BAALEN  
Taken on behalf of the Applicant  
January 7, 2013

**ORIGINAL**

1 BE IT REMEMBERED THAT, the deposition of  
2 HEIDI VAN BAALEN was reported by Marcel N. Johnson,  
3 Certified Shorthand Reporter and Registered  
4 Professional Reporter, on January 7, 2013,  
5 commencing at the hour of 4:49 p.m., the proceedings  
6 being reported in the law offices of Klarquist  
7 Sparkman, LLP, 121 Southwest Salmon Street, Suite  
8 1600, Portland, Oregon.

9 APPEARANCES

10 BAKER & MCKENZIE LLP

11 By Myall S. Hawkins

12 711 Louisiana, Suite 3400

13 Houston, Texas 77002

14 713-427-5000

15 myall.hawkins@bakermckenzie.com

16 Counsel for Opposers

17  
18 KLARQUIST SPARKMAN LLP

19 By Salumeh R. Loesch

20 121 Southwest Salmon Street, Suite 1600

21 Portland, Oregon 97204-2988

22 503-226-7391

23 salumeh.loesch@klarquist.com

24 Counsel for Applicant

1 Also Present:

2 Marla Beier

3 \* \* \*

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(No exhibits were marked.)

\* \* \*

1 HEIDI VAN BAALEN,  
2 was thereupon produced as a witness and, after  
3 having been duly sworn on oath, was examined and  
4 testified as follows:

## EXAMINATION

BY MS. LOESCH:

7 Q. So Ms. Van Baalen, is there any reason why you  
8 can't testify accurately and truthfully today?

9 A. No.

10 Q. We're here to talk about the Purificks  
11 opposition filed against the Puralytics  
12 trademark application. Are you familiar with  
13 that --

14 A. Yes.

15 Q. -- opposition?

16 A. Yes.

17 Q. Okay. And why are you familiar with it?

18 A. I am the trademark paralegal working on the  
19 matter.

20 Q. And who is your employer?

21 A. Klarquist Sparkman.

22 Q. And what is your title?

23 A. Trademark paralegal.

24 Q. And are you responsible for this trademark  
25 opposition --

1 A. Yes.

2 Q. -- matter?

3 A. Uh-huh.

4 Q. Okay. I'm going to hand to you what's been  
5 marked as Exhibit 127. Have you seen this  
6 document before, or compilation of documents?

7 A. Yes.

8 Q. And what is this document?

9 A. It's screen shots of use of various "pur"  
10 marks.

11 Q. And how was this document created, or this  
12 series of documents created?

13 A. We took the Puralytics request -- second  
14 request for admissions and searched for the  
15 various marks to make sure they were in use,  
16 corresponding to the PTO records.

17 And then we created -- or Marla created an  
18 internal document, pulling screen shots and  
19 putting them in there.

20 Q. And what did you do?

21 A. I picked up and did the same thing as Marla  
22 did. I took the RFAs, the requests for  
23 admissions, I looked for the various marks. I  
24 then correlated it to the Patent and Trademark  
25 Office website, checked the goods, checked the



1 company. And then I would pull a screen shot  
2 and plug it into a Word document.

3 Q. And how was this ultimate document -- or this  
4 ultimate Bates numbered series of documents  
5 produced?

6 A. And then these -- these -- the screen shots  
7 were then produced by -- by a litigation  
8 paralegal for production.

9 Q. And do you remember what date you did this on?

10 A. June 21.

11 Q. And how do you remember -- and that was of  
12 2012?

13 A. Yes.

14 Q. How do you remember that date?

15 A. I remember that Marla started this on June 20.  
16 And I remember that on June 21, I had an  
17 appointment to leave early in the afternoon,  
18 and I remember coming in in the morning and  
19 Marla saying that she hadn't been able to do  
20 anything, and I picked up right where she left  
21 off.

22 Q. And how did you -- how do you know it was that  
23 exact date?

24 A. Because we had e-mails. We exchanged e-mails,  
25 discussing where Marla was in the document and

1           where I needed to start --

2     Q.     Okay.

3     A.     -- and that it had to be done that day.

4     Q.     Okay. And do you remember which ones you did,  
5           which marks you --

6     A.     I remember I did the bulk of them. I -- I know  
7           that Marla maybe did the first -- I'm not sure.  
8           I don't know how many. I know that she did the  
9           first few of them, and then I -- I picked up  
10          where she left off and did most of them.

11    Q.     Okay. And by first few, are you listing the  
12          first few pages here? Or first --

13    A.     No. First few in the second request for  
14          admissions.

15    Q.     In the order of the request for admissions?

16    A.     Correct.

17    Q.     And did you come across any marks in the  
18          requests for admissions that did not have  
19          corresponding websites?

20    A.     Not that I can remember. I don't -- there may  
21          have been some, but I don't remember.

22    Q.     But to the best of your knowledge, you went  
23          through all the marks --

24    A.     Yes --

25    Q.     -- in the requests for production?

1 A. -- we did.

2 Q. And if they had a website that seemed like it  
3 correlated with the registration and mark of  
4 the company, you did a print screen --

5 A. Correct.

6 Q. -- of the website?

7 A. Correct.

8 MS. LOESCH: Okay. I have no further  
9 questions.

10 EXAMINATION

11 BY MR. HAWKINS:

12 Q. Ms. Van Baalen, as far as the -- your search  
13 again, that was essentially taking the RFAs,  
14 requests for admissions, and then printing a  
15 screen shot, correct?

16 A. Correct.

17 Q. Did you do any other analysis, other than to  
18 make sure that you had the right -- the right  
19 company name associated with the request for  
20 admission?

21 A. I looked at the goods to make sure that we had  
22 the same goods so that it wasn't something that  
23 didn't relate. Because a lot of times, you  
24 know, you put Purtech in there and you're going  
25 to get a bunch of stuff. So that's about the

1       only analysis I did, was just making sure  
2       everything correlated.

3       Q.    Do you know, of the ones that you looked at out  
4       of Exhibit Number 127, which dealt with  
5       photocatalysis?

6       A.    I do not, off the top of my head, at all.

7       Q.    Was there any effort to determine what either  
8       would be similar to photocatalysis or other  
9       type of --

10      A.    No.

11      Q.    -- UV type of process, ultraviolet light  
12      process?

13      A.    We did look to see for, like, water treatment,  
14      because that's what a lot of the pur marks  
15      were. And so that would be the only way that  
16      we would have picked up those marks.

17      Q.    Right. But there's nothing you've done other  
18      than that?

19      A.    No.

20      Q.    All right. And as far as do you have any  
21      personal knowledge, as part of your printing  
22      out these various websites, about when any one  
23      of these companies started to use these marks  
24      with a particular good or service?

25      A.    No.

1 Q. Do you know if they're currently using it right  
2 now?

3 A. No.

4 Q. Do you know as far as whether or not any of  
5 these companies as shown in Exhibit Number 127  
6 have promoted these particular goods or service  
7 and their marks for those through other  
8 channels of trade?

9 A. No.

10 Q. And by that, I mean, you know, advertising  
11 written or advertising anything other than  
12 Internet?

13 A. No.

14 Q. Do you know as far as having any personal  
15 knowledge pertaining to consumer's recognition  
16 of these particular marks and the goods and  
17 services associated with that as it pertains to  
18 Exhibit 127?

19 A. No.

20 MR. HAWKINS: Thank you.

21 EXAMINATION

22 BY MS. LOESCH:

23 Q. I just have one follow-up question.

24 So if there was something in the  
25 registration that talked about photocatalytic

1 technology or UV or anything like that, would  
2 you have -- would that have -- would you have  
3 used that in your analysis to determine if the  
4 screen shot was appropriate?

5 A. Yes.

6 MS. LOESCH: Okay. That's it.

7 EXAMINATION

8 BY MR. HAWKINS:

9 Q. But as you sit here today, you can't recall  
10 which ones those were?

11 A. Correct.

12 MR. HAWKINS: All right. Thank you.

13 (Whereupon, the deposition of HEIDI VAN  
14 BAALEN was concluded at approximately  
15 4:55 p.m.)

16 \* \* \*

1  
2  
3 CERTIFICATE

4 I, Marcel N. Johnson, Certified Shorthand  
5 Reporter for Oregon and Washington, and a Registered  
6 Professional Reporter, do hereby certify that HEIDI  
7 VAN BAALEN personally appeared before me at the time  
8 and place set forth herein; that at said time and  
9 place I reported in stenotype all testimony adduced  
10 and other oral proceedings had in the foregoing  
11 matter; that thereafter my notes were transcribed  
12 using computer-aided transcription under my  
13 direction; and the foregoing transcript constitutes  
14 a full, true and accurate record of such testimony  
15 adduced and oral proceedings had and of the whole  
thereof.

16 Witness my hand and stamp at Portland, Oregon,  
17 this 10th day of January, 2013.  
18

19  
20 

21 Marcel N. Johnson

22 Oregon Certified Shorthand

23 Reporter No. 02-0380

24 Washington Certified Shorthand

25 Reporter No. 0002947

1 I, Heidi Van Baalen, do hereby  
2 certify under the penalty of perjury that I have  
3 read the above and foregoing deposition and that the  
4 same is a true and accurate transcription of my  
5 testimony, except for attached amendments, if any.  
6

7 Amendments attached ( ) Yes ( ☒ ) No  
8

9 Heidi Van Baalen

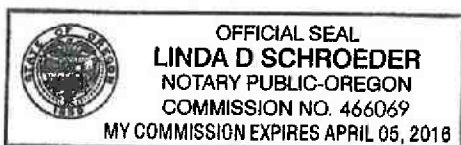
10 HEIDI VAN BAALEN  
11  
12

13 The signature above of HEIDI VAN BAALEN was  
14 subscribed and sworn to before me in the county of  
15 Multnomah, state of Oregon, this  
16 5th day of April, 2013.  
17  
18

19 Linda D. Schroeder

20 Notary Public

21 My commission expires April 5, 2016  
22





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Arrowhead Puritap® - 3 Stage Replacement Filters

The Arrowhead Puritap® 3-RO System is manufactured by Hydrotech and uses 11 x 4.5" GPO Compatible Filters to provide the following:

- 1) Sediment Pre-filter
- 2) CTA Membrane (9.5" x 3")
- 3) Carbon Post-filter

Hydrotech 41400000 Sediment Prefilter

Price: \$14.95  
SKU: 41400000

Hydrotech RS-22-SC05 Compatible Sediment Prefilter 5 micron

Price: \$14.95  
SKU: RS-22-SC05

\$1.99 Sht. Most Orders On. click for details


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PUR001501



PUR001502

KINETICO  
Water solutions for a changing world




**PRODUCTS**

**Kinetico Purefecta Biopure Water Systems**

*"Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers." - Environmental Protection Agency*

The above warning is the kind of statement included on Water Quality Reports all over the nation. Since the passage of the Safe Drinking Water Act, consumers are becoming more and more concerned about the quality and safety of our drinking water. They have been looking for a brand new system to produce microbiologically pure water that is free from bacteria, viruses, and parasites. Not just pure, but Biopure!



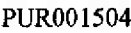
**Introducing Purefecta**

A revolution in water treatment is here and it's called Purefecta. Purefecta is the result of an extensive partnership between Pall Corporation, a 50 year old global leader in the medical, defense and aerospace fields and Kinetico with 23 years of experience in water treatment. Over three years in development and certification, Purefecta is the only system that can remove greater than 99.999999% of waterborne bacteria, 99.99% of waterborne viruses, and 99.999% of waterborne protozoan cysts from drinking water.

[See the complete list of Purefecta's Microbiological Contaminant Capabilities](#)

**NSF** No other single water treatment system offers Biopure water. The Purefecta has undergone rigorous testing and meets the USEPA's Guide Standard and Protocol for Microbiological Water Purifiers. After an extensive certification process through NSF on the Pall Kinetico Purefecta, the NSF created a new Protocol Certification (NSF Protocol P231) and the Purefecta stands alone as the only product of its kind available today.

PUR001503



amazon.com Maytag UKF8001AXX PurClean II Refrigerator Cyst Reducing Water Filter, 1-Pack (Discontinued by MFG 2009)

FREE Two-Day Shipping. See details

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Maytag UKF8001AXX PurClean II Refrigerator Cyst Reducing Water Filter, 1-Pack (Discontinued by MFG 2009)

Size Name: UKF8001AXX PurClean II Refrigerator Cyst Reducing Water Filter, 1-Pack (Discontinued by MFG 2009)

Price: \$17.90 (36%)

In Stock.

Ships from and sold by Buy-A-Bottle Store.

Add to Cart

There is a newer model of this item:

Maytag UKF8001 Pur Refrigerator Cyst Water Filter 1-Pack (425)

Price: \$13.80

In Stock.

Add to Cart

More Buying Choices

Water Filters FAST \$17.90 Add to Cart

DesanderR \$40.00 Add to Cart

Epistarpod \$25.00 Add to Cart

1-Click from \$13.80

Have one to sell? Sell on Amazon

Share

Frequently Bought Together

Customers buy this item with Maytag UKF8001 Pur Refrigerator Cyst Water Filter 1-Pack by Maytag \$17.90

Price For Both: \$69.89

Add to Cart

What Other Items Do Customers Buy After Viewing This Item?

Maytag UKF8001 Pur Refrigerator Cyst Water Filter 1-Pack by Maytag \$17.90 (425)

\$11.00

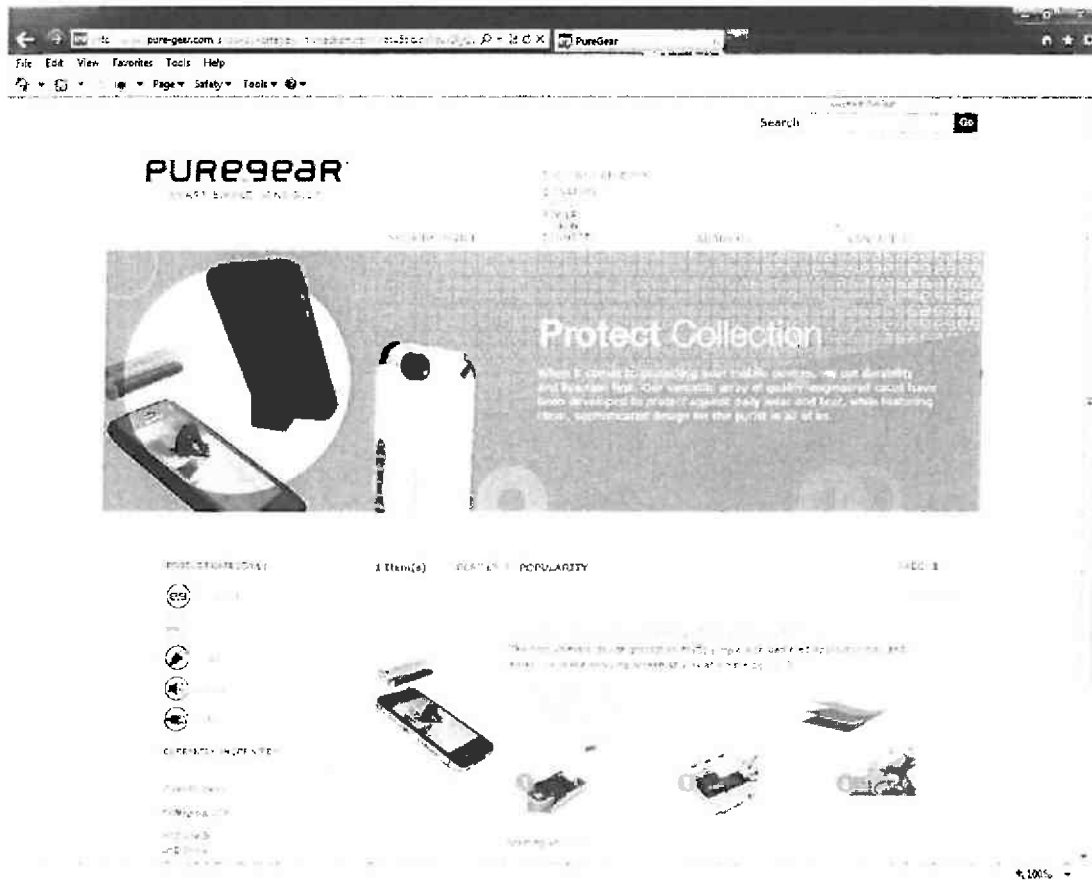
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PUR001506



PUR001507



PUR001508

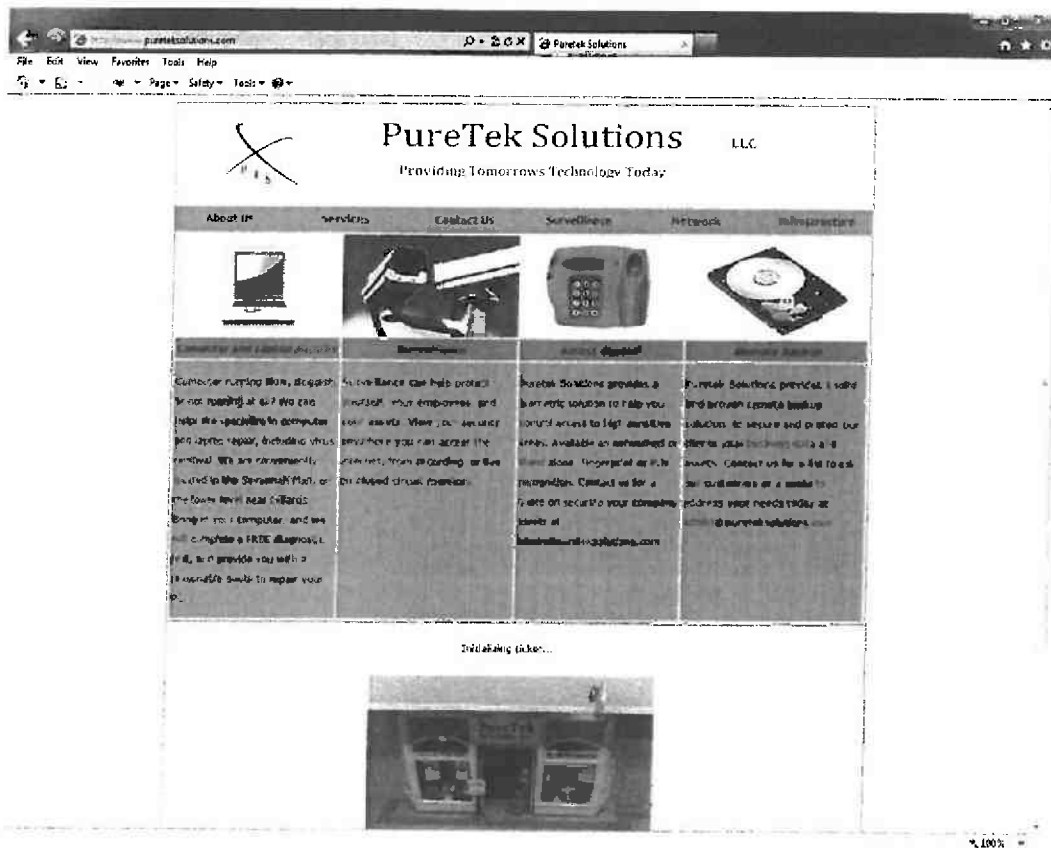


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PUR001510



PUR001511

PureTek  
CORPORATION

Premier Manufacturer of

- Pharmaceuticals
- OTC Remedies
- Nutritional Supplements
- Personal Care Products

**Barry Pressman,**  
CEO & Founder

PureTek is the culmination of Barry's vision and expertise of more than 40 years in the pharmaceutical industry. He is a registered pharmacist, and former owner of the 80,000 drugstore chain. He is a true industry pioneer, co-founding Pharmacia Corporation and its hugely successful Natur-Made® line of natural nutritional supplements. With the launch of PureTek in 1992, the industry's #1 in the health & beauty care consumer continues to benefit from his unmatched experience and unwavering commitment to excellence.

**Integrity, Trust, Respect**  
...are values that must be earned.

Our reputation is built on these values, so you can use our products with total confidence.

We are PureTek Corporation, Southern California's premier producer of outstanding pharmaceutical, nutritional and personal care products. We manufacture quality bulk and private label items for some of the largest retail chains and branded drug companies in the United States.

**NEW!**

And we've earned industry-wide respect for our own brands of superior nutritional and topical products.

Celebrating our 15th year in 2006, PureTek has 170,000 square feet of state-of-the-art manufacturing and packaging technology, and the incredible versatility to produce pharmaceutical and nutritional delivery systems: oral dosing tablets, capsules and liquids, plus large-batch capability for fine personal care liquids, lotions, creams and oils.

Our team is the deepest in industry experience that you'll find anywhere. We take pride in delivering exceptional levels of quality control, operational efficiency and customer service.

It's not just our unparalleled formulation skills

**OUR BRANDS**

**NUTRITIONAL & PHARMACEUTICALS**

**PHARMACIA**  
The Ultimate Benefactor of Pharmacy, Pharmacy, Health & Weight Management

**D-CARE** Daily Defense Care Products

**Pharma flex** Joint Support Supplements

**Breath Relief** Chronic Allergy Remedy

**PERSONAL CARE**

**ESSENCE OF BEAUTY**  
The Ultimate Skincare System

**ESSENCE OF BEAUTY**  
Award-Winning quality skincare & hair products

**BODY ESSENCE** Scented Line of Fine Bath Products

**BUY ONLINE**

[VitaminsandBeauty.com](http://VitaminsandBeauty.com)

**CONTACT INFO**

PURETEK CORPORATION

<http://www.essenceofbeauty.com/>


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## Beyond Pain Relief

- back pain
- neck pain
- foot pain
- hip pain
- knee pain
- shoulder pain
- wrist pain
- overtraining
- injury rehab
- surgery rehab



Read about our results. Our science is simple – our wholesome natural formulations must produce powerful results.


### Stressed, tired, unwell?

Ready to take charge of your own well-being? Click here to learn potent ancient and modern wellness solutions.



### Pain, injury, surgery?

Get on The Path to Recovery. Purina's award-winning RECOVERY is designed to heal, soothe and soothe ideal healing. Click here to find out more.




### Equine pain?

RECOVERY EQ (equine large animal) proved best performance after a lengthy comparative trial of the top 10 veterinarian recommended products on the market.




### Pet in pain?

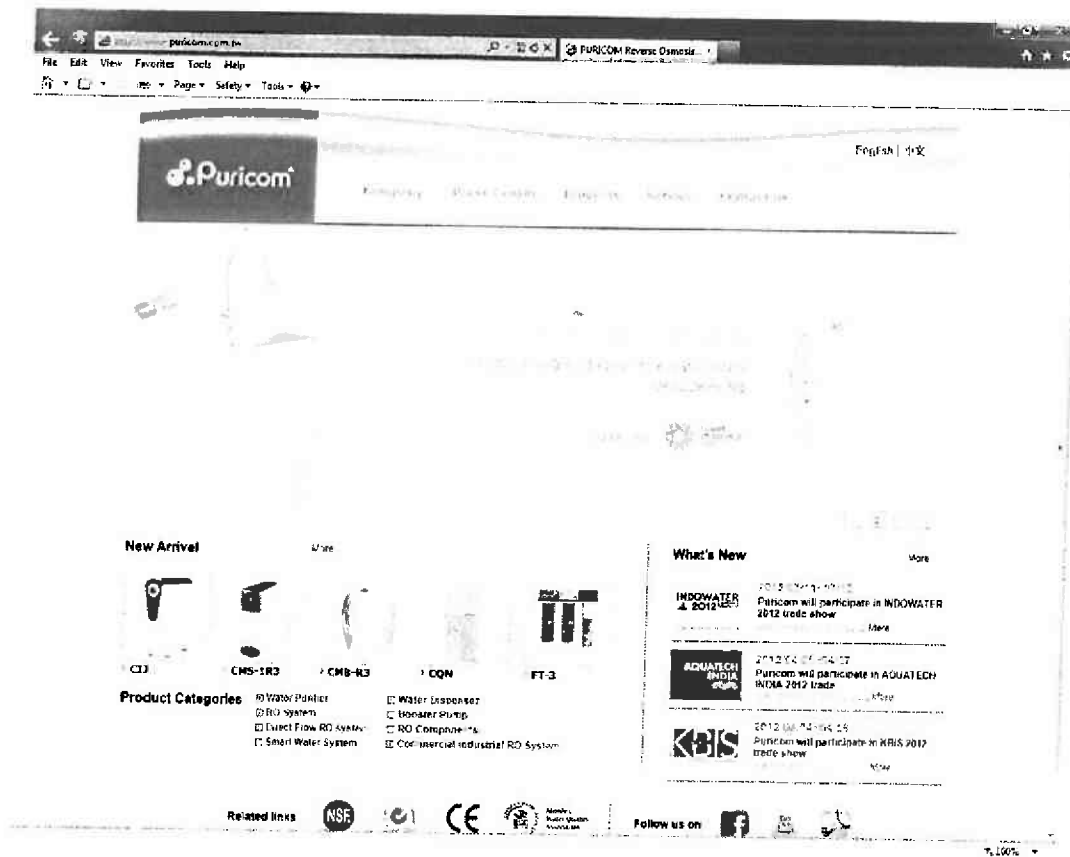
RECOVERY SA (small animal) is a potent veterinarian recommended solution that provides relief of pain and inflammation and improves healing after injury and surgery.



<http://www.purina.com/recovery/eq>



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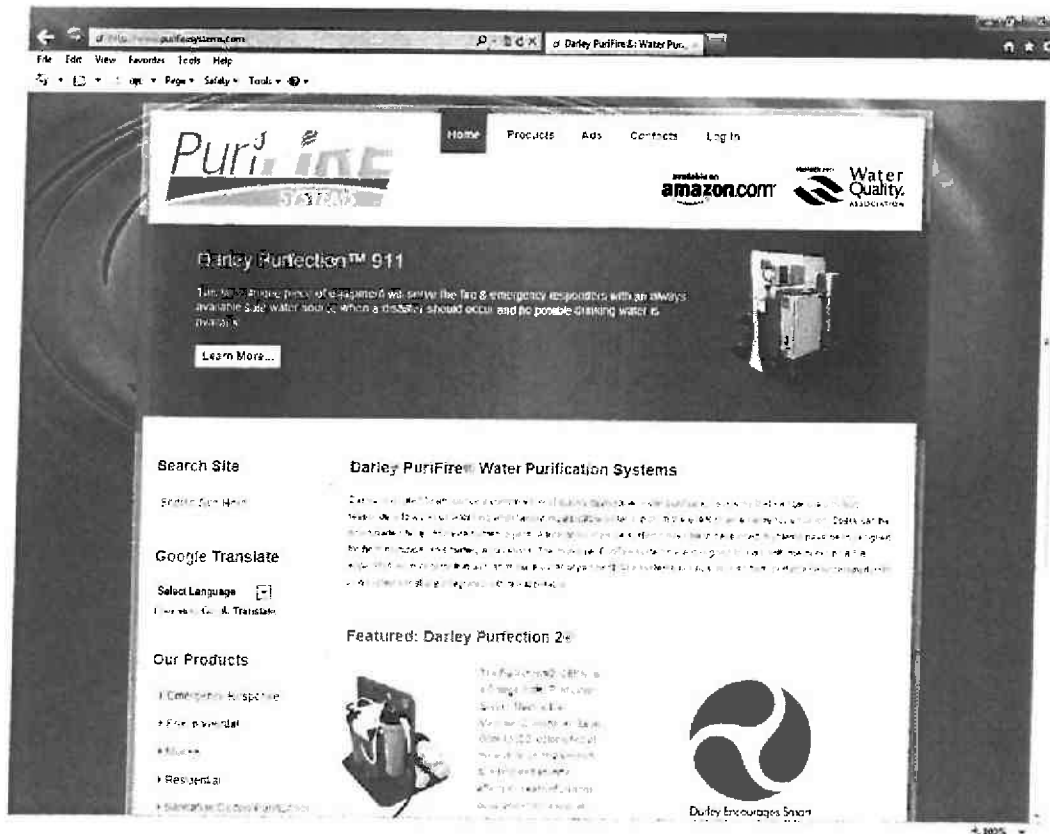


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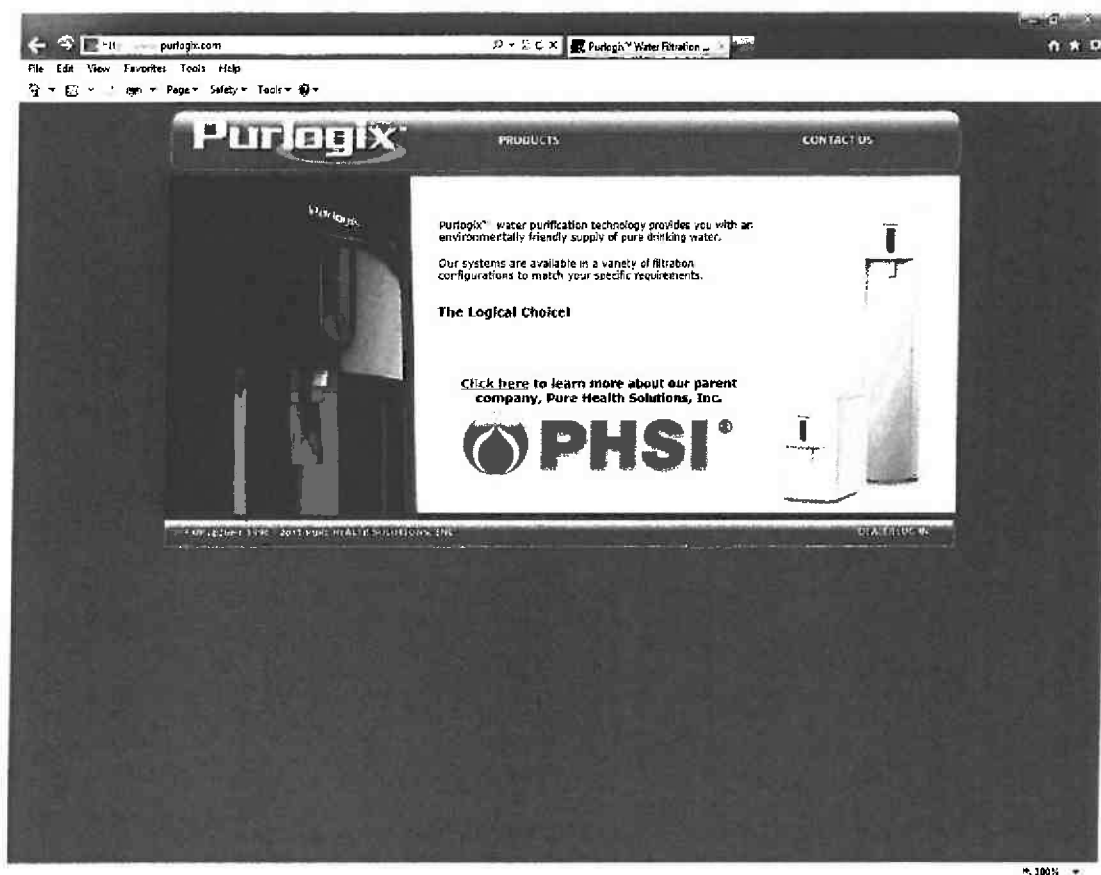


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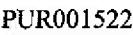




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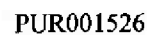


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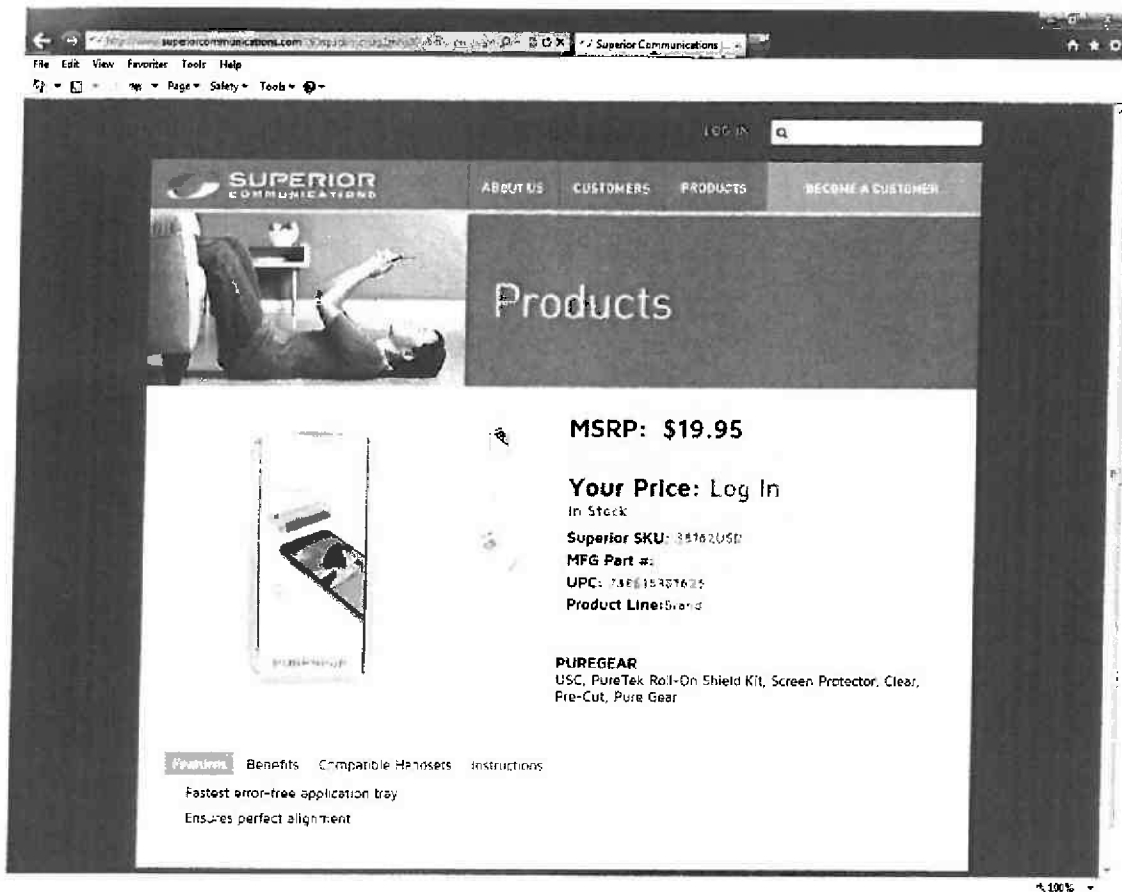


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SIEMENS

About Us



**Siemens Water Technologies**

Siemens Water Technologies is the world's leading water and wastewater treatment company. We provide the most comprehensive, cost-effective and reliable treatment systems and services for reclamation and reuse of water for our industrial, institutional, commercial, and municipal customers.

With the broadest range of technologies, a nationwide service network and a long history of innovation and leadership in the water treatment market, Siemens Water Technologies offers everything from emergency water supply and conventional treatment processes to high-tech microfiltration systems. Our innovation combines treatment processes into smaller, more efficient treatment packages. We have also developed alternate disinfection systems that don't use chlorine.

We deliver water-saving technologies by offering systems and controls that allow treatment plants to use less energy in their operations, and plant staffs that identify energy saving opportunities.

Our time-tested water and wastewater treatment plants include the leading technology innovations like USFilter, In-Hole Water Treatment, Entree, Permufit, Spirax, Wallace & Tieman, Zenox, Memcor, General Filter, Atracore, Oxy and many more.

**Municipal Technologies and Services**

Municipalities depend on water and wastewater treatment technologies designed for operational efficiency and lower life-cycle costs. That's why we constantly strive to bring new technologies to the highest standards. Our time-tested treatment plants are grouped by:

- [Wastewater Treatment](#)
- [Potable Water Treatment](#)
- [Residuals and Biosolids Management](#)
- [Advanced Carbon Systems and Services](#)

**Request More Information**  
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Contact Information Desk

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- AquaCard® CX Enhanced Coconut Shell-Based Activated Carbon
- Clearlog™ Chemical Feed System
- LMK2300s Real Web Monitoring & Control Solution
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- Coconut Shell Carbon: An Economic Alternative To Coal-Based Carbon
- Reverse Osmosis (RO) Membrane Cleaning Service
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Water, inc. Your Source for Premium Quality Products for the Institution, Bar, and Home

Only available regionally - request details

KITCHEN • BATH • LAUNDRY • WATER FILTERS • WHOLE HOME • APPLIANCES • LIGHTING • ACCESSORIES •

**pura-tech**  
Whole Home Conditioner & Softener Systems

Big performance in half the space. Although compact in size the pura-tech whole home water softener is big on performance. Designed to provide any size family with sparkling soft water without the hassle of stain-causing iron, the pura-tech continually outperforms conventional water softeners with a usable capacity of 32,500 grains of hardness removal with each regeneration.

**Soft Water Advantages**

Hardness, iron and sediment, even in low amounts can cause a wide variety of problems. They could range from simple aggravations like dishwasher spots and shower scale to economic waste through stained or ruined laundry, to major expenses such as a ruined water heater.

In one compact unit, the pura-tech Water Conditioner treats hardness, sediment and iron. The result is the peace of mind that your sparkling clear water is better for your appliances and laundry, and most importantly, your family.

- Pura-tech's patented 11-inch dual compartment tank and versatile computer-controlled system team up for high efficiency and environmentally friendly water treatment system.
- Saves Water - the pura-tech system uses less than 18 gallons of water for regeneration. Some other conventional units use 40 to 100 gallons.
- Saves Salt - the pura-tech system received the Water Quality Association efficiency validation - more than 5,400 grains of capacity per lb. of salt.
- Quick Regeneration - the pura-tech system regenerates in less than 15 minutes.
- Soap Savings - pura-tech water will save you up to 75% on all soap products. Plus, it eliminates soap suds which causes dingy laundry, dry skin, bathtub rings, spotted dishes and silverware and diaper rash.
- Shiny Fixtures - no more ugly stains and soap residue on fixtures and glassware. Plus, fewer costly plumbing repair bills. Pura-tech water reduces build-up of scale-forming hardness in water heaters and pipes.
- Laundry - Cleaner, brighter, softer laundry costs less with pura-tech quality water.
- Hair - pura-tech water rinses away soap film for a smoother shave as well as softer, shinier, more manageable hair. Plus, it increases razor blade life and reduces the need for special hair rinses and conditioners.
- Warranty - 3 Years - 100% of all parts  
10 Years - 100% on cabinet, resin tank and valve body

**Computerized Controller**

- LCD displays the amount of capacity remaining until the next regeneration. In gallons or liters.
- Fail safe capacity guard assures a constant supply of soft water.
- Power Outage Protection - holds cycle programs indefinitely.
- All cycles are easily programmed with the touch of a button.
- Easy-to-set, adjustable reserve capacity.
- Turboflo - Light flashes when water is in use. This convenient feature can also be used to signal your attention when there is excessive water usage that may be due to

1.800.249.1111 WATER (9283)

P

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**Insight**

## How Do You Help Everyone?



# PURICOM

**Puricom Water Industrial Corp.**  
5-28 Cheng-Feng Lane, Taiping Rd.  
Wunth Township, Taichung  
Taiwan  
Phone: 886-4-2335-9968  
Fax: 886-4-2335-9967  
Website: [www.puricom.com.tw](http://www.puricom.com.tw)  
Email: [puricom@ms24.hinet.net](mailto:puricom@ms24.hinet.net)  
Employees: 100  
Dealers: Worldwide

**For 12 years, Morgan Yang worked as an engineer. During that time, he traveled to more than 50 countries. Wanting to start his own business, he began to wonder whether there was something that would be of value to everyone, everywhere.**

**"What is the one thing that everyone in all these countries needs the most?"**

**By Karen R. Smith**

**Returning to Taiwan inspired, he designed the Belle line of cabinets, which incorporate a design that uses no straight lines.**

**A touch of class**  
Puricom was the first manufacturer to put RO systems in an elegant protective cabinet.

**Direct flow**  
In 2001, Puricom was challenged to design the most compact RO possible. Thus was born their Direct Flow Tankless RO System. Models which are...

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